

## UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

V.

James Hill

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 5:03CR00294-001

James F. Greenwald, Assistant Federal Public Defender

4 Clinton Square

Syracuse, New York 13202 (315) 701-0080

Defendant's Attorney

## THE DEFENDANT:

pleaded guilty to count(s) 1 of the Information on July 21, 2003.

pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section  
18 U.S.C. § 641

## Nature of Offense

Conversion of Social Security Administration Monies

U.S. DISTRICT COURT - N.D. OF NY  
FILED  
DEC 29 2003  
AT 10:00 AM  
Lawrence K. Baumgart, Clerk - Syracuse

Date Offense	Count
Concluded	Number(s)
1/31/02	1

The defendant is sentenced as provided in pages 2 through

4 of this judgment. The sentence is imposed pursuant to

the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_ is  are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

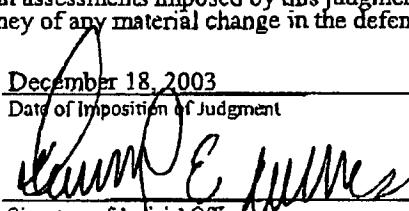
Defendant's Soc. Sec. No.: [REDACTED]

December 18, 2003

Defendant's Date of Birth: [REDACTED]

Date of Imposition of Judgment

Defendant's USM No.: [REDACTED]



Defendant's Residence Address:

Signature of Judicial Officer

[REDACTED]  
Syracuse, New York [REDACTED]

Honorable David E. Peebles, U.S. Magistrate Judge

Defendant's Mailing Address:  
Same as above

Name and Title of Judicial Officer

12/29/03

Date

U.S.D.C. FOR THE NORTHERN DISTRICT OF NEW YORK  
I, the undersigned Clerk of the Court, do hereby certify that this  
is a true, correct and full copy of the original document on file in  
my custody.

# of pages (excl.) 4 # of pages including (exhibits) 2  
Dated 12/29/03 Lawrence K. Baumgart, Clerk  
by [Signature] Deputy Clerk

AO245B NNY (Rev. 8/01) Judgment in Criminal Case  
Sheet 2 - ImprisonmentJudgment - Page 2 of 4DEFENDANT: James Hill  
CASE NUMBER: 5:03CR00294-001**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 5 months. This term of imprisonment shall begin today and shall be served concurrently with the defendant's state sentence.

The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends the Bureau of Prisons designate the defendant to the New York State prison in which he is currently serving an unrelated state sentence.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHALBy \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: James Hill  
CASE NUMBER: 5:03CR00294-001

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 25.00	\$ Waived	\$ N/A

The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<b>TOTALS</b>	\$ _____	\$ _____	

If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for the  fine and/or  restitution.

the interest requirement for the  fine and/or  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: James Hill  
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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A  In full immediately; or

B  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E below; or

C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or

D  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E

F  Special instructions regarding the payment of criminal monetary penalties:

The Court recognizes that although this is a mandatory restitution case, the defendant has agreed to sign a Statement of Claimant authorizing the Social Security Administration to offset and withhold 15% of the defendant's monthly Supplemental Security Income (SSI) until the money illegally converted is recovered. Therefore, the Court does not impose an order of restitution.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk, U.S. District Court, Alexander Pirnie Federal Building, 10 Broad Street, Utica, New York 13501, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.